

AMENDED IN ASSEMBLY JULY 3, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

Assembly Constitutional Amendment

No. 6

Introduced by Assembly Member Gatto
(Principal coauthor: Assembly Member Gordon)
(Coauthors: Assembly Members Gorell, Melendez, and Nestande)

February 11, 2013

Assembly Constitutional Amendment No. 6—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending ~~Sections 3 and~~ *Section 4* of Article XVIII thereof, relating to ~~initiatives~~ *constitutional amendments*.

LEGISLATIVE COUNSEL'S DIGEST

ACA 6, as amended, Gatto. ~~Initiatives; constitutional~~ *Constitutional* amendments: voter approval.

Existing provisions of the California Constitution provide for the *Legislature and* electors to propose amendments *or revisions* to the Constitution ~~by initiative and to adopt or reject them~~. Any proposed ~~initiative measure~~ *constitutional amendment or revision* submitted to the voters becomes effective if it is approved by a majority of votes cast.

This measure would increase the vote requirement from a majority to 55% of the votes cast for the electors to amend *or revise* the Constitution ~~by an initiative measure~~, except that this measure would permit the electors to repeal *by a majority vote* a previously adopted ~~initiative or legislative amendment to~~ *or revision of* the Constitution, including certain subsequent amendments ~~to that the section or sections of the Constitution added or amended by the previously adopted~~.

constitutional amendment, ~~by an initiative measure passed by a majority vote or revision, as specified.~~

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

1 *Resolved by the Assembly, the Senate concurring,* That the
2 Legislature of the State of California at its 2013–14 Regular
3 Session commencing on the third day of December 2012,
4 two-thirds of the membership of each house concurring, hereby
5 proposes to the people of the State of California that the
6 Constitution of the State be amended as follows:

7 First—That this measure shall be known and may be cited as
8 the “Constitution Protection Act.”

9 ~~Second—That Section 3 of Article XVIII thereof is amended~~
10 ~~to read:~~

11 ~~SEC. 3. (a) The electors may amend the Constitution by an~~
12 ~~initiative measure approved by a minimum of 55 percent of the~~
13 ~~votes cast thereon, or as specified in subdivision (b).~~

14 ~~(b) (1) The electors, by an initiative measure passed by a~~
15 ~~majority of votes cast thereon, may repeal a previously adopted~~
16 ~~initiative or legislative amendment to the Constitution.~~

17 ~~(2) The repeal of a previously adopted amendment to the~~
18 ~~Constitution pursuant to this subdivision shall also be deemed to~~
19 ~~repeal any subsequent amendments to that constitutional~~
20 ~~amendment. However, this subdivision is not applicable to repeal~~
21 ~~a previously adopted constitutional amendment if the measure that~~
22 ~~contained any such subsequent amendment, as adopted by the~~
23 ~~electors, also included one or more constitutional provisions that~~
24 ~~did not amend the previously adopted amendment.~~

25 ~~Third—~~

26 ~~Second—That Section 4 of Article XVIII thereof is amended to~~
27 ~~read:~~

28 ~~SEC. 4. (a) A proposed amendment or revision of the~~
29 ~~Constitution shall be submitted to the electors and if approved by~~
30 ~~a majority of votes thereon, or by not less than 55 percent of the~~
31 ~~votes cast thereon under subdivision (a) of Section 3, except as~~
32 ~~provided in subdivision (b), takes effect the day after the election~~
33 ~~unless the measure provides otherwise. If~~

34 ~~(b) (1) Except as provided by paragraph (2), upon approval~~
35 ~~by a majority of the votes cast thereon a proposed amendment or~~

1 *revision of the Constitution may repeal a previously adopted*
2 *amendment or revision of the Constitution, including any*
3 *subsequent amendments made to the section or sections of the*
4 *Constitution added or amended by a previously adopted*
5 *constitutional amendment or revision.*

6 *(2) Paragraph (1) shall not apply in the event a measure that*
7 *made subsequent amendments to a section or sections of the*
8 *Constitution added or amended by a previously adopted*
9 *constitutional amendment or revision itself added, amended, or*
10 *repealed one or more sections of the Constitution other than those*
11 *added or amended by the previously adopted amendment or*
12 *revision.*

13 *(c) If the provisions of two or more measures approved at the*
14 *same election conflict, those of the measure receiving the highest*
15 *affirmative vote shall prevail.*